



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Johannes Gerdes, Thomas Scholzen, Elmar Endl, Claudia Wohlenberg,
Bettina Baron-Luhr, Margrit Kernbach né Hahn, Patricia Prilla, Johanna
Suwinski and Rolf Knippers

Application No.: 09/937,649 Group Art Unit: 1644

371(c) Filing Date: January 28, 2002 Examiner: Haddad, M.

Confirmation No.: 2383

For: MONOCLONAL ANTIBODIES AGAINST HUMAN PROTEIN Mcm3,
PROCESS FOR THEIR PRODUCTION, AND THEIR USE

TECH CENTER 1600/2900

APR 25 2003

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CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>4/21/03</u>	<u>HELEN LEE</u>
Date	Signature
<u>HELEN LEE</u>	
Typed or printed name of person signing certificate	

STATEMENT UNDER 37 C.F.R. § 1.806 AND § 1.808

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. § 1.806 and § 1.808 the undersigned states:

1. The above-referenced application contains reference to a biological deposit.
Hybridoma DSM ACC2388 (also referred to as Mcm3 (clone 101)) was deposited on
February 16, 1999 at the Deutsche Sammlung von Mikroorganismen und Zellkulturen
GmbH (DSMZ), Mascheroder Weg 1b, D-38124, Braunschweig, Germany, in accordance
with the terms of the Budapest Treaty under Accession No. DSM ACC2388.

2. In accordance with 37 C.F.R. § 1.806, deposit DSM ACC2388 is made for a term of at least thirty years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository. Deposit DSM ACC2388 is stored under agreements that make it available beyond the enforceable life of the patent for which the deposit was made.
3. In accordance with 37 C.F.R. § 1.808(a)(1), access to deposit DSM ACC2388 will be available during the pendency of the above-referenced application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.
4. In accordance with 37 C.F.R. § 1.808(a)(2), and except as permitted by 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent on the above-referenced application.
5. The undersigned is an attorney of record.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: *April 21, 2003*